

APPEAL,CLOSED,CONMAGTRL,LODGE_DOC,OPEN_MJ,PROSE
US District Court Electronic Case Filing System
District of Utah (Central)
CIVIL DOCKET FOR CASE #: 2:16-cv-01067-DBP

Greer et al v. Herbert et al
Assigned to: Magistrate Judge Dustin B. Pead
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 10/18/2016
Date Terminated: 05/08/2018
Jury Demand: None
Nature of Suit: 950 Constitutional – State Statute
Jurisdiction: Federal Question

Plaintiff

Russell G. Greer

represented by **Russell G. Greer**
3306 E DEL VERDE AVE
SALT LAKE CITY, UT 84109
(801)895-3501
PRO SE

V.

Defendant

Gary R. Herbert
in his official capacity as Governor of the State of Utah

represented by **David N. Wolf**
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ATTORNEY TO BE NOTICED

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Defendant

Sean D. Reyes
in his official capacity as Attorney

represented by **David N. Wolf**
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General of the State of Utah

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Gregory M. Soderberg
(See above for address)
*TERMINATED: 03/16/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Sim S. Gill
*in his official capacity as District
Attorney of the City and County of Salt
Lake*

represented by **David M. Quealy**
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(385)468-7785
*TERMINATED: 08/11/2017
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Defendant

Jackie Biskupski

*in her official capacity as Mayor of the
City of Salt Lake*

represented by **Catherine L. Brabson**
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LEAD ATTORNEY
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Defendant

Ben McAdams

*in his official capacity as Mayor of the
County of Salt Lake*

represented by **David M. Quealy**
(See above for address)
TERMINATED: 02/21/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jacque M. Ramos

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennifer Bailey

(See above for address)
TERMINATED: 02/21/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Neil R. Sarin

(See above for address)
TERMINATED: 08/11/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Kathy Berg

*in her official capacity as Director of the
Division of Commerce*

represented by **David N. Wolf**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregory M. Soderberg

(See above for address)
TERMINATED: 03/16/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

represented by

James Allred

*in his official capacity as Business
Licensing Manager for the City of Salt
Lake*

Catherine L. Brabson

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Rolen Yoshinaga

*in his official capacity as Director of
Planning and Development for the
County of Salt Lake*

represented by **David M. Quealy**

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TERMINATED: 02/21/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Jennifer Bailey

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Neil R. Sarin

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Date Filed	#	Page	Docket Text
10/18/2016	<u>1</u>		COMPLAINT against James Allred, Kathy Berg, Jackie Biskupski, Sim S. Gill, Gary R. Herbert, Ben McAdams, Sean D. Reyes, Rolen Yoshinaga (Filing fee \$ 400, receipt number 4681074304) (Fee Status: Paid) filed by Russell G. Greer. (Attachments: # <u>1</u> Civil Cover Sheet 1) Assigned to Magistrate Judge Dustin B. Pead (mms) (Entered: 10/18/2016)
12/01/2016	<u>2</u>		MOTION to allow proof of service to be filed with the court without original summons pursuant to FRCP 4 filed by Plaintiff Russell G. Greer. (kpf) (Entered: 12/01/2016)
12/01/2016	<u>3</u>		NOTICE of Appearance by David N. Wolf on behalf of Kathy Berg, Gary R. Herbert, Sean D. Reyes (Wolf, David) (Entered: 12/01/2016)
12/01/2016	<u>4</u>		NOTICE of Appearance by Gregory M. Soderberg on behalf of Kathy Berg, Gary R. Herbert, Sean D. Reyes (Soderberg, Gregory) (Entered: 12/01/2016)
12/01/2016	<u>5</u>		NOTICE of Appearance by Neil R. Sarin on behalf of Sim S. Gill, Ben McAdams, Rolen Yoshinaga (Sarin, Neil) (Entered: 12/01/2016)
12/01/2016	<u>6</u>		MOTION for Extension of Time to File Answer re <u>1</u> Complaint, filed by Defendants Sim S. Gill, Ben McAdams, Rolen Yoshinaga. (Attachments: # <u>1</u> Text of Proposed Order Order Granting Extension of Time to Respond to

		Plaintiffs' Complaint)(Sarin, Neil) (Entered: 12/01/2016)
12/01/2016	<u>7</u>	NOTICE of Appearance by Jennifer Bailey on behalf of Sim S. Gill, Ben McAdams, Rolen Yoshinaga (Bailey, Jennifer) (Entered: 12/01/2016)
12/01/2016	<u>8</u>	Defendant's MOTION for Extension of Time to respond to Plaintiff's Complaint filed by Defendants Kathy Berg, Gary R. Herbert, Sean D. Reyes. (Attachments: # <u>1</u> Text of Proposed Order)(Wolf, David) Modified on 12/2/2016 by changing motion type to Motion for Extension of time to File Answer (las). (Entered: 12/01/2016)
12/02/2016	<u>9</u>	ORDER granting <u>6</u> Motion for Extension of Time to Answer re <u>1</u> Complaint,. Answer deadline updated for Sim S. Gill answer due 12/7/2016; Ben McAdams answer due 12/7/2016; Rolen Yoshinaga answer due 12/7/2016. Signed by Magistrate Judge Dustin B. Pead on 12/1/2016. (las) (Entered: 12/02/2016)
12/02/2016	<u>10</u>	ORDER granting <u>8</u> Motion for Extension of Time to Answer re <u>1</u> Complaint,. Answer deadline updated for Kathy Berg answer due 12/27/2016; Gary R. Herbert answer due 12/27/2016; Sean D. Reyes answer due 12/27/2016. Signed by Magistrate Judge Dustin B. Pead on 12/2/2016. (las) (Entered: 12/02/2016)
12/12/2016	<u>11</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support filed by Defendants James Allred, Jackie Biskupski. Attorney Catherine L. Brabson added to party James Allred(pty:dft), Attorney Catherine L. Brabson added to party Jackie Biskupski(pty:dft)(Brabson, Catherine) (Entered: 12/12/2016)
12/12/2016	<u>12</u>	NOTICE – This case is assigned to a magistrate judge. To consent or request reassignment, use <u>the form on this link</u> or use the included form for non–efilers and send it to consents@utd.uscourts.gov within 15 days or mail to the court with <i>Attention: Consent Clerk</i> on the envelope. Notice e–mailed or mailed to Defendants James Allred, Kathy Berg, Jackie Biskupski, Sim S. Gill, Gary R. Herbert, Ben McAdams, Sean D. Reyes, Rolen Yoshinaga, Plaintiff Russell G. Greer. Form due by 12/27/2016. (las) (Entered: 12/12/2016)
12/12/2016	<u>13</u>	NOTICE OF ADR, e–mailed or mailed to Defendants James Allred, Kathy Berg, Jackie Biskupski, Sim S. Gill, Gary R. Herbert, Ben McAdams, Sean D. Reyes, Rolen Yoshinaga, Plaintiff Russell G. Greer. (las) (Entered: 12/12/2016)
12/12/2016	<u>14</u>	NOTICE FROM THE COURT re: Initial Scheduling The court's IPT Clerk will now set the case for the Initial Pretrial Scheduling Conference (las) (Entered: 12/12/2016)
12/14/2016	<u>15</u>	RECEIVED Consent/Reassignment Form from Defendants James Allred, Jackie Biskupski. (las) (Entered: 12/14/2016)
12/19/2016	<u>16</u>	RECEIVED Consent/Reassignment Form from Defendants Kathy Berg, Gary R. Herbert, Sean D. Reyes. (las) (Entered: 12/19/2016)
12/23/2016	<u>17</u>	Defendant's MOTION to Dismiss and Memorandum in Support filed by Defendants Kathy Berg, Gary R. Herbert, Sean D. Reyes. (Soderberg, Gregory) (Entered: 12/23/2016)
12/27/2016	<u>18</u>	

		MOTION to Dismiss and Memorandum in Support <i>Plaintiffs' Complaint for Declaratory and Injunctive Relief</i> filed by Defendants Sim S. Gill, Ben McAdams, Rolen Yoshinaga. (Sarin, Neil) (Entered: 12/27/2016)
12/28/2016	<u>19</u>	NOTICE REMINDER – All parties are requested to respond within the time frame set forth in the <u>12</u> Notice of Presiding Magistrate Assignment,, pursuant to General Order 07–001. If you have already consented/objected, please disregard this notice. No judge will be informed of a party's response unless all parties have consented to the assignment of the matter to a U.S. Magistrate Judge. Unless consents from all parties are received within fifteen(15) days, the case will be randomly re–assigned to a U.S. District Judge without further notice. <u>Link to Magistrate Consent Objection form</u> (blh) (Entered: 12/28/2016)
12/28/2016	20	RECEIVED Consent/Reassignment Form from Defendants Sim S. Gill, Ben McAdams, Rolen Yoshinaga (blh) (Entered: 12/28/2016)
12/28/2016	<u>21</u>	Defendant's MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support filed by Defendants James Allred, Jackie Biskupski. (Brabson, Catherine) (Entered: 12/28/2016)
12/28/2016	22	<u>NOTICE OF INITIAL PRETRIAL CONFERENCE:</u> (Notice generated by IPT Clerk) The Attorneys Planning Meeting Report and Proposed Scheduling Order forms, available on the court web site at http://www.utd.uscourts.gov/documents/formpage.html , should be prepared 21 days before the Initial Pretrial Conference hearing date. <u>NOTICE TO COUNSEL,</u> The Court <i>may</i> enter a scheduling order and vacate the hearing <i>if</i> counsel (a) file a stipulated Attorneys Planning Meeting Report ; and (b) e–mail a Proposed Scheduling Order to ipt@utd.uscourts.gov 21 days before the scheduled hearing. See instructions at http://www.utd.uscourts.gov/documents/ipt.html If counsel or the parties would like to participate by phone they must contact the IPT Clerk at least two days in advance at ipt@utd.uscourts.gov to make arrangements. Initial Pretrial Conference set for 2/8/2017 at 11:00 AM in Rm 8.400 before Magistrate Judge Evelyn J. Furse. (jds) (Entered: 12/28/2016)
12/30/2016	23	RECEIVED Consent/Reassignment Form from Plaintiff Russell G. Greer. (las) (Entered: 12/30/2016)
12/30/2016	<u>24</u>	JOINT STATEMENT OF PARTIES/ CONSENT to Jurisdiction by US Magistrate Judge under 28 U.S.C. 636(c) by Defendants James Allred, Kathy Berg, Jackie Biskupski, Sim S. Gill, Gary R. Herbert, Ben McAdams, Sean D. Reyes, Rolen Yoshinaga, Plaintiff Russell G. Greer. (Attachments: # <u>1</u> Consent, # <u>2</u> Consent, # <u>3</u> Consent)(las) (Additional attachment(s) added on 1/5/2017: # <u>4</u> Signed Herbert, Reyes and Berg Consent) (las). (Entered: 12/30/2016)
01/09/2017	<u>25</u>	MEMORANDUM in Opposition re <u>17</u> Defendant's MOTION to Dismiss and Memorandum in Support filed by Plaintiff Russell G. Greer. (rks) (Entered: 01/09/2017)

		01/11/2017)
01/13/2017	<u>26</u>	REPORT OF ATTORNEY PLANNING MEETING. (Attachments: # <u>1</u> Text of Proposed Order [Proposed] Scheduling Order)(Soderberg, Gregory) (Entered: 01/13/2017)
01/20/2017	<u>27</u>	SCHEDULING ORDER: Initial Pretrial Hearing vacated. Amended Pleadings due by 8/31/2017. Joinder of Parties due by 9/29/2017. Fact Discovery due by 9/30/2017. Expert Discovery due by 1/15/2018. Motions due by 2/15/2018. Status Conference set for 2/22/2018 at 02:00 PM in Rm 7.100 before Magistrate Judge Dustin B. Pead. Signed by Magistrate Judge Dustin B. Pead on 1/9/2017. (las) (Entered: 01/20/2017)
01/23/2017	<u>28</u>	REPLY to Response to Motion re <u>17</u> Defendant's MOTION to Dismiss and Memorandum in Support of <i>State Defendants' Motion to Dismiss</i> filed by Defendants Kathy Berg, Gary R. Herbert, Sean D. Reyes. (Soderberg, Gregory) (Entered: 01/23/2017)
01/27/2017	<u>29</u>	RESPONSE to Motion re <u>21</u> Defendant's MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support , <u>11</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support , <u>17</u> Defendant's MOTION to Dismiss and Memorandum in Support , <u>18</u> MOTION to Dismiss and Memorandum in Support <i>Plaintiffs' Complaint for Declaratory and Injunctive Relief</i> filed by Plaintiff Russell G. Greer. (las) (Entered: 01/30/2017)
02/17/2017	<u>30</u>	REPLY to Response to Motion re <u>18</u> MOTION to Dismiss and Memorandum in Support <i>Plaintiffs' Complaint for Declaratory and Injunctive Relief</i> filed by Defendants Sim S. Gill, Ben McAdams, Rolen Yoshinaga. (Sarin, Neil) (Entered: 02/17/2017)
02/24/2017	<u>31</u>	DOCUMENT LODGED from plaintiff consisting of pleading incorrectly styled as a combined surreply and 'amended complaint' (no leave appears to have been granted to file either per FRCivP 15 or DUCivR 7–1(b)(2)(A)) (alt) (Entered: 02/28/2017)
03/06/2017	<u>32</u>	REQUEST to Submit for Decision re <u>18</u> MOTION to Dismiss and Memorandum in Support <i>Plaintiffs' Complaint for Declaratory and Injunctive Relief</i> filed by Defendants Sim S. Gill, Ben McAdams, Rolen Yoshinaga. (Sarin, Neil) (Entered: 03/06/2017)
04/19/2017	33	DOCKET TEXT ORDER finding as moot Plaintiff's Motion To Allow Proof Of Service <u>2</u> . All Defendants have filed a responsive pleading [11, 17, 18, 21], and there has been no challenge to the sufficiency of service. Signed by Magistrate Judge Dustin B. Pead on 04/19/2017. (Entered: 04/19/2017)
04/21/2017	<u>34</u>	RULING AND ORDER – The court requests additional briefing on several issues. Consistent therewith, the Court Orders the following briefing schedule: Briefing On Plaintiffs Standing And The Ripeness Of The Claims *Plaintiffs Initial Brief Due: May 5, 2017. *Defendants Responsive Briefs Due: May 19, 2017. Briefing On Facial vs. As–Applied Challenges *Defendants Initial Briefs Due: May 5, 2017. *Plaintiffs Responsive Brief Due: May 19, 2017. Signed by Magistrate Judge Dustin B. Pead on 4/21/2017. (las) (Entered: 04/21/2017)

05/05/2017	<u>35</u>		Supplemental BRIEF In Support of Plaintiff's Standing and the Ripeness of the Claims filed by Plaintiff Russell G. Greer. (las) (Entered: 05/05/2017)
05/05/2017	<u>36</u>		Supplemental Memorandum Regarding Facial and As-Applied Challenges BRIEF re <u>34</u> Order,, filed by Defendants Kathy Berg, Gary R. Herbert, Sean D. Reyes. (Soderberg, Gregory) (Entered: 05/05/2017)
05/05/2017	<u>37</u>		Supplemental BRIEF re <u>36</u> Brief, <u>34</u> Order,, <i>Re Facial vs. As-Applied Constitutional Challenges and Joinder in State Defendants' Supplemental Brief</i> filed by Defendants James Allred, Jackie Biskupski. (Brabson, Catherine) (Entered: 05/05/2017)
05/05/2017	<u>38</u>		Supplemental BRIEF <i>regarding Facial vs. As-Applied Constitutional Challenges and Joinder in State's Supplemental Memorandum</i> filed by Defendants Sim S. Gill, Ben McAdams, Rolan Yoshinaga. (Sarin, Neil) (Entered: 05/05/2017)
05/19/2017	<u>39</u>		RESPONSIVE SUPPLEMENTAL BRIEF re <u>35</u> Brief, <u>34</u> Order,, filed by Defendants Kathy Berg, Gary R. Herbert, Sean D. Reyes. (Attachments: # <u>1</u> Exhibit 1– Plaintiff's DBA registration)(Soderberg, Gregory) (Entered: 05/19/2017)
05/19/2017	<u>40</u>		ERRATA to <u>39</u> Brief filed by Defendants Kathy Berg, Gary R. Herbert, Sean D. Reyes . (Attachments: # <u>1</u> Exhibit 1– Plaintiff's DBA registration)(Soderberg, Gregory) (Entered: 05/19/2017)
05/19/2017	<u>41</u>		Defendant's RESPONSE re <u>35</u> Brief, <u>34</u> Order,, <i>RE Standing and Ripeness</i> filed by James Allred, Jackie Biskupski. (Brabson, Catherine) (Entered: 05/19/2017)
05/19/2017	<u>42</u>		Plaintiff's RESPONSE to Defendant's <u>36</u> Supplemental Memorandum Regarding Facial and As-Applied Challenges Brief per <u>34</u> Order, filed by Russell G. Greer. (jwt) (Entered: 05/19/2017)
05/19/2017	<u>43</u>		RESPONSIVE SUPPLEMENTAL BRIEF re <u>35</u> Brief filed by Defendants Sim S. Gill, Ben McAdams, Rolan Yoshinaga. (Sarin, Neil) (Entered: 05/19/2017)
05/23/2017	<u>44</u>		MOTION to Amend Complaint filed by Plaintiff Russell G. Greer. (las) (Entered: 05/23/2017)
06/02/2017	<u>45</u>		RESPONSE to Motion re <u>44</u> MOTION to Amend/Correct <i>Plaintiff's Motion for Leave to File Supplemental Complaint</i> filed by Defendants Kathy Berg, Gary R. Herbert, Sean D. Reyes. (Soderberg, Gregory) (Entered: 06/02/2017)
06/28/2017	<u>46</u>		RULING & ORDER –1. Within ten (10) days from the date of this Order, Plaintiff shall file a copy of his proposed amended complaint on the court docket as an Exhibit to his pending motion to amend; and2. Defendants shall have an additional ten (10) days after Plaintiff files a copy of his proposed pleading to respond and/or supplement their response (ECF No. 45) to Greers motion to amend. (ECF No. 44.) Signed by Magistrate Judge Dustin B. Pead on 6/28/2017. (las) (Entered: 06/28/2017)
07/10/2017	<u>47</u>		MOTION for Leave to File Supplemental Complaint filed by Plaintiff Russell G. Greer. (las) (Entered: 07/11/2017)
07/19/2017	<u>48</u>		Supplemental RESPONSE re <u>47</u> MOTION for Leave to File Supplemental Complaint, filed by Kathy Berg, Gary R. Herbert, Sean D. Reyes. (Soderberg,

			Gregory) (Entered: 07/19/2017)
08/11/2017	<u>49</u>		SUBSTITUTION OF COUNSEL Jacque M. Ramos replacing Neil R. Sarin as counsel on behalf of Sim S. Gill, Ben McAdams, Rolen Yoshinaga. (Ramos, Jacque) (Entered: 08/11/2017)
08/15/2017	<u>50</u>		SUBSTITUTION OF COUNSEL David M. Quealy replacing Jacque M. Ramos as counsel on behalf of Sim S. Gill, Ben McAdams, Rolen Yoshinaga. (Quealy, David) (Entered: 08/15/2017)
08/17/2017	51		DOCKET TEXT ORDER. Plaintiff's motion for leave to supplement complaint along with Exhibits at <u>47</u> moots Plaintiff's same motion filed at <u>44</u> . Signed by Magistrate Judge Dustin B. Pead on 08/17/2017. No attached document. (amn) (Entered: 08/17/2017)
08/29/2017	<u>52</u>		RESPONSE to Motion re <u>47</u> MOTION for Leave to File Supplemental Complaint filed by Defendants Sim S. Gill, Ben McAdams, Rolen Yoshinaga. (Quealy, David) (Entered: 08/29/2017)
08/30/2017	<u>53</u>		ORDER granting in part and denying in part <u>47</u> Motion for Leave to File Supplemental Complaint; denying without prejudice as Moot <u>17</u> Motion to Dismiss ; denying without prejudice as Moot <u>18</u> Motion to Dismiss ; denying without prejudice as Moot <u>21</u> Motion to Dismiss for Failure to State a Claim. See Order for Details. Signed by Magistrate Judge Dustin B. Pead on 8/30/2017. (las) (Entered: 08/30/2017)
08/31/2017	54		DOCKET TEXT ORDER. Pursuant to the court's order <u>53</u> , City Defendants' motion to dismiss <u>11</u> is denied without prejudice as moot. Signed by Magistrate Judge Dustin B. Pead on 08/31/2017. No attached document. (amn) (Entered: 08/31/2017)
09/12/2017	<u>55</u>		AMENDED COMPLAINT against James Allred, Kathy Berg, Jackie Biskupski, Sim S. Gill, Gary R. Herbert, Ben McAdams, Sean D. Reyes, Rolen Yoshinaga. filed by Russell G. Greer. (las) (Entered: 09/12/2017)
09/26/2017	<u>56</u>		Defendant's MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support filed by Defendants James Allred, Jackie Biskupski. (Brabson, Catherine) (Entered: 09/26/2017)
10/03/2017	<u>57</u>		Defendant's MOTION to Dismiss <i>Supplemental Complaint</i> filed by Defendants Kathy Berg, Gary R. Herbert, Sean D. Reyes. (Soderberg, Gregory) (Entered: 10/03/2017)
10/03/2017	<u>58</u>		ENTRY ERROR– MOTION to Dismiss and Memorandum in Support Plaintiff's suppl filed by Defendants Sim S. Gill, Ben McAdams, Rolen Yoshinaga. (Quealy, David) Modified on 10/3/2017 added error text (las). (Entered: 10/03/2017)
10/03/2017	59		Modification of Docket: re <u>58</u> MOTION to Dismiss and Memorandum in Support <i>Plaintiff's suppl.</i> Document filed in error. Motion has been terminated. (las) (Entered: 10/03/2017)
10/03/2017	<u>60</u>		MOTION to Dismiss and Memorandum in Support <i>Plaintiffs' Supplemental Complaint for Declaratory and Injunctive Relief</i> filed by Defendants Sim S. Gill, Ben McAdams, Rolen Yoshinaga. (Quealy, David) (Entered: 10/03/2017)

10/24/2017	<u>61</u>		MEMORANDUM in Opposition re <u>57</u> Defendant's MOTION to Dismiss <i>Supplemental Complaint</i> filed by Plaintiff Russell G. Greer. (jwt) (Entered: 10/25/2017)
11/07/2017	<u>62</u>		REPLY to Response to Motion re <u>57</u> Defendant's MOTION to Dismiss <i>Supplemental Complaint</i> filed by Defendants Kathy Berg, Gary R. Herbert, Sean D. Reyes. (Soderberg, Gregory) (Entered: 11/07/2017)
11/07/2017	<u>63</u>		REPLY to Response to Motion re <u>60</u> MOTION to Dismiss and Memorandum in Support <i>Plaintiffs' Supplemental Complaint for Declaratory and Injunctive Relief</i> filed by Defendants Sim S. Gill, Ben McAdams, Rolen Yoshinaga. (Quealy, David) (Entered: 11/07/2017)
11/07/2017	<u>64</u>		REQUEST to Submit for Decision re <u>56</u> Defendant's MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support filed by Defendants James Allred, Jackie Biskupski. (Brabson, Catherine) (Entered: 11/07/2017)
11/08/2017	<u>65</u>		RESPONSE and Memorandum in Opposition re <u>62</u> Reply Memorandum/Reply to Response to Motion. And Request for Hearing. filed by Russell G. Greer. (las) (Entered: 11/09/2017)
01/22/2018	<u>66</u>		NOTICE of SUPPLEMENTAL AUTHORITY by Kathy Berg, Gary R. Herbert, Sean D. Reyes re <u>57</u> Defendant's MOTION to Dismiss <i>Supplemental Complaint</i> (Attachments: # <u>1</u> Exhibit Exhibit A — Erotic Service Provider Legal Education and Research Project v Gascon) (Soderberg, Gregory) (Entered: 01/22/2018)
01/23/2018	<u>67</u>		RESPONSE re <u>66</u> Notice of Supplemental Authority filed by Russell G. Greer. (las) (Entered: 01/23/2018)
02/21/2018	<u>68</u>		SUBSTITUTION OF COUNSEL Jacque M. Ramos replacing Jennifer Bailey and David M. Quealy as counsel on behalf of Sim S. Gill, Ben McAdams, Rolen Yoshinaga. (Ramos, Jacque) (Entered: 02/21/2018)
02/23/2018	<u>69</u>		NOTICE OF WITHDRAWAL OF COUNSEL of Greg Soderberg filed by David N. Wolf on behalf of Kathy Berg, Gary R. Herbert, Sean D. Reyes (Wolf, David) (Entered: 02/23/2018)
03/19/2018	<u>70</u>		NOTICE of Change of Address by Jacque M. Ramos (Ramos, Jacque) (Entered: 03/19/2018)
04/09/2018	<u>71</u>		NOTICE of SUPPLEMENTAL AUTHORITY by Russell G. Greer (las) (Entered: 04/10/2018)
04/13/2018	<u>72</u>		REQUEST to Submit for Decision re <u>60</u> MOTION to Dismiss and Memorandum in Support <i>Plaintiffs' Supplemental Complaint for Declaratory and Injunctive Relief</i> filed by Defendants Sim S. Gill, Ben McAdams, Rolen Yoshinaga. (Ramos, Jacque) (Entered: 04/13/2018)
05/08/2018	<u>73</u>		MEMORANDUM DECISION AND ORDER granting <u>56</u> Motion to Dismiss for Failure to State a Claim ; granting <u>57</u> Motion to Dismiss ; granting <u>60</u> Motion to Dismiss. Signed by Magistrate Judge Dustin B. Pead on 5/8/2018. (las) (Entered: 05/08/2018)
05/08/2018	<u>74</u>	12	

			JUDGMENT – It is Ordered that Plaintiff's Amended Complaint is dismissed with Prejudice. Case Closed. Signed by Magistrate Judge Dustin B. Pead on 5/8/2018. (las) (Entered: 05/08/2018)
05/22/2018	<u>75</u>	13	NOTICE OF APPEAL as to <u>74</u> Judgment filed by Russell G. Greer. Appeals to the USCA for the 10th Circuit. Fee Status: Not Paid. Filing fee \$ 505. (las) (Entered: 05/23/2018)
05/23/2018	<u>76</u>		**SEALED DOCUMENT** MOTION for Leave to Appeal in forma pauperis filed by Plaintiff Russell G. Greer. (las) (Entered: 05/23/2018)

United States District Court

District of Utah

RUSSELL G. GREER,

Plaintiff

v.

GARY R. HERBERT,

Defendant

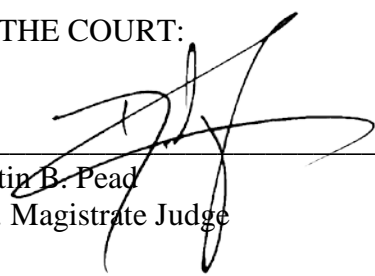
JUDGMENT IN A CIVIL CASE

Case Number: 2:16-cv-01067

IT IS ORDERED AND ADJUDGED that Plaintiff's Amended Complaint is dismissed with prejudice.

May 8, 2018

BY THE COURT:



Dustin B. Pead
U.S. Magistrate Judge

Russell Greer
3068 West Mark Ave
West Valley City, UT 84119
801-895-3501
russmark@gmail.com
Pro Se Litigant

FILED
U.S. DISTRICT COURT
2018 MAY 22 A 11:45
DISTRICT OF UTAH
BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

RUSSELL G. GREER,

Plaintiff

v.

GARY R. HERBERT, in his official capacity as Governor of the State of Utah; **SEAN D. REYES**, in his official capacity as Attorney General of the State of Utah; **SIM S. GILL**, in his official capacity as District Attorney of the City and County of Salt Lake; **JACKIE BISKUPSKI**, in her official capacity as Mayor of the City of Salt Lake; **BEN McADAMS**, in his official capacity as Mayor of the County of Salt Lake; **KATHY BERG**, in her official capacity as Director of the Division of Commerce; **JAMES ALLRED**, in his official capacity as Business Licensing Manager for the City of Salt Lake; **ROLEN YOSHINAGA**, in his official capacity as Director of Planning and Development for the County of Salt Lake,

Defendants

PLAINTIFF'S NOTICE OF APPEAL

Case No.: 2:16-cv-01067-DBP

Magistrate Judge Dustin B. Pead

Notice is hereby given that Russell Greer, Plaintiff in the above named case, hereby appeals to the United States Tenth Circuit Court of Appeals from the final judgment entered in this action on May 8th, 2018 (Dkt. 74). Respectfully submitted.

/rgreer/
05/21/2018
Pro Se Litigant



CERTIFICATE OF SERVICE:

I certify that on May 21st, 2018, a true and correct copy of PLAINTIFF'S NOTICE OF APPEAL was emailed to the following:

David Wolf, Assistant Attorney General and Counsel to State Defendants Berg, Herbert & Reyes.
dnwolf@agutah.gov

Jackie Ramos: Counsel for County Defendants Gill, McAdams & Yoshinaga. jmramos@slco.org

Catherine Brabson, Counsel for City Defendants Allred and Biskupski
Catherine.Brabson@slcgov.com